

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

ALBERT PALMER,

Plaintiff,

v.

**Civil Action No. 3:07cv31
(Judge Bailey)**

**US ATTORNEY ALBERTO GONZALEZ,
HARLEY LAPLIN, Director of B.O.P,
K/M. WHITE, Dir. Mid. Atl. Reg. Off.,
JOE DRIVER, Warden,
CHRISTOPHER GREINER, Unit Mgr.,
DAVID CRICKARD, Case Manager,
LT. B. GRUNDY,**

Defendants.

ORDER DENYING MOTION TO CHANGE VENUE

This matter is before the court on the plaintiff's *pro se* complaint and Motion to Change venue. He sues defendants for injuries he maintains he suffered as the result of excessive force used against him at USP Hazelton on May 4, 2006. Therefore the complaint appears to present claims against individual defendants under Bivens v, Six Unknown Named Agents of Federal Bureau of Narcotics. 403 U.S. 388 (1971). In addition, the plaintiff states that the primary basis for his claim for relief is the Federal Tort Claim Act.

On May 14, 2007, the plaintiff filed his pending Motion to have this matter transferred to the District Court of Columbia in Washington, D.C. In support of his motion, the plaintiff alleges that the matters raised in his pending civil case are intrinsically related to a criminal case filed against him in the Northern District of West Virginia which concluded on December 15, 2006. The plaintiff seeks transfer

of his civil case to “ensure absolute unbiasedness and impartiality.”

Pursuant to 28 U.S.C. § 1391, this action may be brought in any judicial district in which (1) a defendant in the action resides, (2) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) the plaintiff resides if no real property is involved in the action.

All of the events complained of occurred in USP Hazelton, which is located within the jurisdiction of the Northern District of West Virginia. The plaintiff makes no allegation that any of the defendants reside within the District of Columbia, nor, does the plaintiff reside within that district. Therefore, the plaintiff has not stated a valid basis for his Motion to change venue.

Accordingly, it is hereby **ORDERED** that the plaintiff’s Motion (Doc.13) be, and the same hereby is, **DENIED**.

IT IS SO ORDERED.

ENTER: October 24, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE